

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed December 29, 2006. The Examiner is thanked for the thorough examination of the present application. Upon entry of this response, claims 1-11 are pending in the present application. Claims 1-11 are objected to because of various informalities. Furthermore, the Office Action states on page 2 that claims 1-11 are rejected under 35 U.S.C. §112, 1st paragraph for allegedly failing to comply with the enablement requirement. Applicants have amended the specification and claim 1 and respectfully request reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Information Disclosure Statement

Applicants have noted Examiner's comments and have attached a new copy of the *Song* reference (Kee Bong Song et al.; "Dynamic Spectrum Management for Next-Generation DSL Systems" IEEE Communications Magazine, Oct. 2002; pp. 101-109).

II. Response to Claim Objections

Claims 1-11 are objected to because of various informalities. The Office Action states that the word "complimentary" on the last line of claim 1 should be corrected to state "complementary." In an effort to clarify certain novel features of the invention, Applicants have removed the term "complimentary" from claim 1 and have made additional amendments to claim 1. Furthermore, Applicants have amended the specification and changed the word "complimentary" to the word "complementary."

Applicants respectfully submit that in light of the amendment to claim 1, the objection to claim 1 has been rendered moot.

III. Response to Claim Rejections Under 35 U.S.C. § 112

Claims 1-11 stand rejected under 35 U.S.C. §112, 1st paragraph for allegedly failing to comply with the enablement requirement. Specifically, the Office Action alleges that *"the specification fails to disclose in what way the upstream and downstream masks are complementary. The term "complementary," as used in claim 1, does not have a well-known definition in the art and could be interpreted in a wise variety of ways. For example, complementary masks could simply be non-overlapping or alternatively could be power complementary."* (Office Action, pg. 2-3) Applicants have amended claim 1 and have removed the term "complementary" from the claim.

Claim 1, as amended, recites:

1. A method for implementing smart DSL for LDSL systems, the method comprising:
 - presenting a number of spectral masks that are available on the LDSL systems; and
 - selecting from the number of spectral masks an upstream mask and a downstream **based on pre-defined optimization criteria such that for a given transmit power, channel capacity is maximized in both upstream and downstream directions while spectral compatibility is maintained between upstream and downstream channels as well as with neighboring services.**

(Emphasis added.) Applicants submit that no new matter is added by the amendment. Applicants respectfully submit that the §112, 1st paragraph rejection of claim 1 has been rendered moot by the amendment and respectfully request that the §112 rejection be withdrawn.

CONCLUSION

Applicants respectfully submit that all pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

/Daniel R. McClure/

**Daniel R. McClure
Reg. No. 38,962**

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.
100 Galleria Parkway NW
Suite 1750
Atlanta, Georgia 30339
(770) 933-9500